

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH SWERDON,
Plaintiff

v.

C MAIORANA, et al.,
Defendants

No. 3:16cv677

(Judge Munley)

(Magistrate Judge Mehalchick)

FILED
SCRANTON

APR 17 2018

ORDER

PER

DEPUTY CLERK

AND NOW, to wit, this 17th day of April 2019, we have before us for disposition Magistrate Judge Karoline Mehalchick's report and recommendation, which proposes that we dismiss the plaintiff's Eighth Amendment liability claim because the plaintiff failed to exhaust administrative remedies.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice. Accordingly, it is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 70) is **ADOPTED**;
- 2) The plaintiff's complaint (Doc. 1) is **DISMISSED** for failure to exhaust administrative remedies; and
- 3) The Clerk of Court is directed to enter judgment in favor of the defendants; and
- 4) The Clerk of Court is directed to close this case.

BY THE COURT:


JUDGE JAMES M. MUNLEY
United States District Court